

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BAE SYSTEMS ORDNANCE
SYSTEMS, INC.,

*Plaintiff/Counterclaim-
Defendant,*

v.

FLUOR FEDERAL SOLUTIONS, LLC,

*Defendant/Counterclaim-
Plaintiff.*

Case No. 7:20-cv-587

MOTIONS TO STAY AND TO BIFURCATE

Plaintiff/Counterclaim-Defendant BAE Systems Ordnance Systems, Inc. (“BAE”), by counsel, for the reasons stated in the accompanying Memorandum in Support of Motions to Stay and to Bifurcate, respectfully requests that this Court (1) stay discovery in the above-captioned action pending resolution of the outstanding dispositive motions and Rule 12(f) motion, all scheduled for a hearing in January 2022; and (2) in the event the January 2022 hearing does not resolve the entire case, BAE requests bifurcation of the Key Contract Interpretation Issues, to materially narrow the scope of the litigation. Granting these motions would (a) foster judicial economy by preventing the waste of resources on claims that should no longer be at issue after the January 2022 hearing; (b) prevent unreasonable hardship and expense of conducting discovery into hundreds of millions of dollars of claims that should not be at issue after the January 2022 hearing; and (c) not cause any prejudice or hardship to Fluor, including because the litigation is in its earliest stage.

Pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure, counsel for BAE certifies that it has in good faith conferred or attempted to confer with Fluor's counsel in an effort to resolve the dispute without court action.

Dated: December 3, 2021

Respectfully submitted,

BAE SYSTEMS ORDNANCE SYSTEMS, INC.

By: /s/ Joshua R. Treece
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